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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,	Case No. 2:16-cr-00320-LRH-VCF
Plaintiff,	ORDER
v.	
JACK BENJAMIN HESSIANI,	
Defendant.	

Before the court is defendant Hessiani's Motion to Continue Sentencing Hearing by at least sixty days (ECF No. 104). The government has filed its opposition (ECF No. 105). Defendant has filed a reply (ECF No. 106).

This case went to trial on December 19, 2017, and was concluded on December 21, 2017, the defendant having been found guilty of the offense of felon in possession of a firearm in violation of Title 18, U.S.C. §§ 922(g)(1) and 924(a)(2). ECF No. 99. Upon completion of trial, sentencing was set for March 22, 2018, giving the defense slightly more than three months to prepare.

Defendant Hessiani's counsel has requested a continuance of the sentencing for a period of at least 60 days, for what would therefore be a period of at least five months from the conclusion of trial. Counsel requests the continuance upon three grounds: (1) to allow time to gather mitigation information and receive requested documents pertaining to Mr. Hessiani, (2) additional time to prepare the sentencing memorandum

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1 intended to be filed prior to sentencing, and (3) to allow defendant's family to travel to
2 Las Vegas to attend the sentencing hearing.

3 Regarding the first ground, the request to gather mitigation information and other
4 documents, there is no identification of any mitigation information or other documents
5 which have been requested, how those documents would be relative to defendant's
6 sentencing, when they were first requested, when counsel was first aware of them, or
7 how they might be relative to a sentencing disposition in this case.

8 Regarding the second ground, preparation of a sentencing memorandum,
9 defense counsel has identified issues unique to the defendant's criminal history which
10 may require additional research and preparation time in the interest of preparing a
11 meaningful sentencing memorandum. The court appreciates that the present defense
12 counsel came on board from the Federal Public Defender's Office less than two months
13 before trial, and that additional time before sentencing may be warranted.

14 As to the attendance of defendant's family members to travel to Las Vegas (from
15 California), there has been no identification of any reason or reasons why those family
16 members would be unable to attend on the March 22, 2018 date. The court notes that
17 family members sat through the trial in mid-December 2017, and were undoubtedly
18 aware of the presently scheduled sentencing date of March 22, 2018.

19 The defendant now seeks a continuance of at least sixty days upon the grounds
20 outlined above. In the court's view, these are insufficient grounds upon which a
21 continuance of an additional sixty days, a total of five-months from conviction at trial, is
22 warranted. However, in the interest of allowing the defense additional time to be fully
23 prepared in this matter, the court is satisfied that cause has been shown for a
24 continuance of approximately one month.

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1 IT IS THEREFORE ORDERED that defendant's Motion to Continue (ECF No.
2 104) is **GRANTED in part and DENIED in part** in accordance with this order.
3 Defendant's sentencing hearing is continued until Tuesday, May 1, 2018, at 11:15 a.m.
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5 IT IS SO ORDERED.

6 DATED this 9th day of March, 2018.

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8 LARRY R. HICKS
9 UNITED STATES DISTRICT JUDGE
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